

MT LEGISLATIVE HISTORY

Chapter 586 1985

Bill (H) 558 S _____

Original bill & hist. C

H. Committee on Local Government

S. Committee on Local Government

Hearing Date(s) Feb 16 ✓ C

Hearing Date(s) Mar 19 ✓ C

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Date Out Feb 16 ✓ C

Mar 19 ✓ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

STATUS SHEET49th

LEGISLATIVE SESSION

COMMITTEE ON LOCAL GOVERNMENT

HOUSE BILLS

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 517	1-28-85	2-12-85	2-12-85			2-12-85			
HB 483	1-25-85	2-14-85	2-14-85			2-14-85			
HB 484	1-25-85	2-14-85	2-14-85			2-14-85			
HB 519	1-28-85	2-12-85	2-12-85	2-12-85					
HB 545	1-29-85	2-14-85	2-14-85		2-14-85				
HB 546	1-29-85	2-16-85	TABLED 2-16-85						
HB 558	1-30-85	2-16-85	2-16-85	2-16-85					
HB 564	1-30-85	2-16-85	2-16-85	2-16-85					
HB 569	1-30-85	2-16-85	2-16-85			2-16-85			
HB 580	1-31-85	2-12-85	2-12-85	2-12-85					
HB 582	1-31-85	2-5-85	2-5-85			2-5-85			
HB 612	2-1-85	2-7-85				2-7-85			
HB 614	2-1-85	2-9-85	2-9-85			2-9-85			
HB 624	2-1-85	2-9-85	TABLED 2-9-85						
HB 625	2-1-85	2-7-85	2-7-85	2-7-85					
HB 616	2-2-85	2-12-85	TABLED 2-14-85			2-26-85	Reconsidered		

2-21-85 Reconsider & take off table - Motion failed

Use a separate sheet for Senate, House Bills, and Resolutions

protest, and Mr. Wilson said yes, that is one of the intents of the bill. Rep. Pistoria then asked him if he was familiar with Great Falls' Black Eagle, and he replied no. Rep. Pistoria then asked if by eliminating the right to protest, would Great Falls take over Black Eagle, and the answer was he did not know.

Rep. Kadas asked Mr. Whittenberg where he lives, and Mr. Whittenberg replied in Missoula, within the area that would be part of the city if this bill passes. Rep. Kadas then questioned that when he said Missoula, did he mean the city or county, and Mr. Whittenberg replied that when you say you live near a city, you associate yourself with that town.

Rep. Kadas then asked Vera Cahoon if Missoula requires their own water system, and Vera Cahoon replied she has nothing to say about it.

Rep. Kadas then asked Mr. Gebhardt if he had a pile of gravel at his house, and Rep. Kadas took it away, would Mr. Gebhardt think he had the right to protest to stop him, and Mr. Gebhardt replied of course.

Chairman Darko asked Mr. Wilcox that one of the things that a city provides if it annexes an area is a water and sewer service; therefore, when these costs are assessed, how much would it be to the city of Missoula, or would they have to provide the whole cost. Mr. Wilcox said the city of Missoula does not own the water system. Most of those annexed in the bill would already be on those lines. The cost of placing lines in the ground would be borne by the newly annexed areas. The city residents have already paid for a portion of that but they do not have to pay for the new one. Chairman Darko then asked if the cost to the city residents would then go up, and the answer was no. It is a user related kind of fee.

Rep. Kitselman said the thing that bothers him in this bill is determining who owns property, and Mr. Wilcox said it would neutralize this bill.

Chairman Darko asked if a septic system in a county has contaminated the water, and several new water systems and wells had to be found, would it increase the cost to the city and the county. Mr. Wilcox answered that it would cost both city and county people, and the cost is very high.

Rep. Switzer asked Mr. Wilcox if the river provides water in Missoula, and Mr. Wilcox answered yes.

CONSIDERATION OF HOUSE BILL NO. 558: Rep. Rehberg of District 88, sponsor of this bill, appeared before the committee to present it. He said he is also representing Rep. Hannah's district, which is District 86. This bill is as a result

of an 88 year old man in his district. The city of Billings wanted to expand to this man's subdivision on the other side of his farm and they wanted to expand the SIDs. He protested and took them to court. The reason for the laws are in many cases discriminatory. In this case, the city of Billings wanted to annex the property for the purpose of SID, and because this man was not a resident freeholder, he is discriminated against. Rep. Rehberg felt the right to protest should not be taken away, and he should not have been forced to subdivide and have increased SIDs and increased taxes.

PROPONENTS: Vera Cahoon, representing the Missoula County Freeholders, stated they would like to go on record as being in support of this bill because it gives non-resident freeholders the right of protest. She presented written testimony (exhibit 1) which also suggests amending the bill to change the time limit of 20 days for protest, to 45 days.

There were no further proponents present, and no opponents. However, there is a letter from Jeff Stevens, vice president of the Wapikiya Home Owners Association which is attached as exhibit 2, stating their opposition to HB 558.

DISCUSSION OF HOUSE BILL NO. 558: Rep. Brown stated it is nice to see a special piece of legislation for Billings.

Being no further discussion, HB 558 closed.

CONSIDERATION OF HOUSE BILL NO. 569: Rep. Stella Jean Hansen, District 57, presented the bill to the committee, as sponsor. This bill allows a local government to establish and charge a fee for review of a minor subdivision. She stated the county has to review these minor subdivisions and has no way to collect a fee for them. This bill would enable them to collect for the trip it takes to make the review.

PROPONENTS: Bill Verwolf, representing the city of Helena, said they feel that this bill is appropriate and allows municipalities to recover the cost of operation.

There were no further proponents and no opponents present.

DISCUSSION OF HOUSE BILL NO. 569: Rep. Gilbert asked if he could change the fee to \$11,000. Rep. Switzer asked why local government is reviewing this. Rep. Hansen said this is if they have to go out and inspect septic tanks, water supplies and solid waste disposal facilities for a subdivision. Rep. Switzer asked what we have a Health Department in Helena for. Rep. Brandewie said every county sanitation department is equipped for checking subdivisions. If a person has enough experience he is allowed to check minor subdivisions. The only difference between a minor and major subdivision is that the minor does not have to go through a public review. It is checked for all the things

willing to change the \$15 to \$22.50. It is appropriate that if the state is delegating someone else to do it, the person who is paying to have the subdivision is paying twice.

Rep. Brown stated that in the last session they spent a lot of time funding subdivisions, and this bill will hurt what was solved in that session. Chairman Darko asked if he wanted to make an amendment. Rep. Hansen asked if it wouldn't be better to put a cap on subsection 4. Rep. Gilbert asked if they were talking \$48 per lot.

Rep. Hansen made a substitute motion to amend by adding \$15 collecting fee to cover the remaining cost of the review, not to exceed \$15. This was seconded by Rep. Fritz. Motion CARRIED, with Rep. Sands opposed.

Rep. Hansen then moved to DO PASS AS AMENDED HB 569, and this was seconded by Rep. Fritz. Question was called for, and motion CARRIED, with 5 members voting no and all the rest yes.

DISPOSITION OF HOUSE BILL NO. 736: Rep. Brown made the motion to DO PASS, seconded by Rep. Sands. Rep. Brown also moved to amend page 2, line 22, and this was seconded by Rep. Kitselman. Rep. Brown then moved to DO PASS AS AMENDED HB 736, seconded by Rep. Kitselman. Question being called for, motion PASSED UNANIMOUSLY.

DISPOSITION OF HOUSE BILL NO. 546: Rep. Kitselman moved to TABLE HB 546, and this was seconded by Rep. Fritz. The non debatable motion CARRIED, with Rep. Brown, Rep. Hansen and Chairman Darko being opposed.

DISPOSITION OF HOUSE BILL NO. 558: The motion of DO PASS was made by Rep. Brandewie, and seconded by Rep. Brown. Rep. Switzer stated it was recommended at 20 days, and Rep. Brandewie suggested leaving it at 20 days. Question was called for, and motion CARRIED, with Rep. Fritz, Rep. Hansen and Chairman Darko voting no.

DISPOSITION OF HOUSE BILL NO. 776: Rep. Sales moved to TABLE HB 776, and this was seconded by Rep. Fritz. The non debatable motion CARRIED, with Rep. Brown and Rep. Kitselman being opposed.

DISPOSITION OF HOUSE BILL NO. 653: Rep. Kadas moved to DO PASS HB 653, and this was seconded by Rep. Switzer.

Rep. Brown said he had a long talk with Gordon Morris, and the reason the county didn't go on 614 is because they thought it was unfair if someone was hired in 1981 and resigned in 1983, that the new employee would have to start at the base pay of 1981. He said he asked Mr. Morris why he didn't come in with an amendment. Rep. Brown said he is going to vote for it when it comes on the floor, and he

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

LOCAL GOVERNMENT COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date Feb. 16, 1985

NAME	PRESENT	ABSENT	EXCUSED
<u>Paula Darko, Chairman</u>	✓		
<u>Norm Wallin, Vice Chairman</u>			✓
<u>Ray Brandewie</u>	✓		
<u>Dave Brown</u>	✓		
<u>Harry Fritz</u>	✓		
<u>Stella Jean Hansen</u>	✓		
<u>Bob Gilbert</u>	✓		
<u>Mike Kadas</u>	✓		
<u>Les Kitselman</u>	✓		
<u>Paul Pistoria</u>	✓		
<u>Bing Poff</u>	✓		
<u>Walter Sales</u>	✓		
<u>Jack Sands</u>	✓		
<u>Dean Switzer</u>	✓		

STANDING COMMITTEE REPORT

February 16, 1935

MR. SPEAKER:

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 558

FIRST reading copy (WHITE color)

ANY FREEHOLDER ELIGIBLE TO VOTE ON ANNEXATION.

Respectfully report as follows: That HOUSE Bill No. 558

DO PASS

SL

STATE PUB. CO.
Helena, Mont.

PAULA DARR,

Chairman.

COMMITTEE SECRETARY

WITNESS STATEMENT

Name Hera Calahan Committee On L. Gant
Address Star Pte, Bonner Date 2/16/85
Representing Noble Co. 4thholders Support _____
Bill No. ~~558~~ 558 Oppose _____
Amend ✓

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. Time limit of 20 days is too short
2. It becomes impossible to protest out if a large no. of absentee landowners have property in proposed area
3. _____
4. Amend the bill allowing 45 days for protest period - otherwise you are giving the right to protest & prohibiting it at the same time

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

HB 558
2-16-85
Rep. Rehberg

The 400 member households of the Wapikiya Home Owners Association of Missoula wish to express their opposition to House Bill No. 558 "An act making any freeholder eligible to approve or disapprove annexation of property by ~~an~~ municipality providing services."

Though we are not opposed in theory or principle to the idea of allowing all property owners in a district the right to protest annexation, in practice this bill would have a damaging effect on both resident and non resident property owners.

It would require ~~petition~~ petition organizers to contact out of neighborhood out of town and out of state property owners for signatures in a 20 day protest period that is already too short under present requirements. If this bill is approved, the protest period should be extended to 45 days to allow adequate time for getting signatures from non resident property owners.

In its present form, this bill would increase the annexation powers of cities and actually work against the interests of non resident property owners who oppose annexation.

For these reasons we request that you give H.B. 558 a do not pass recommendation in its present form.

Jeff Stevens
Vice President
Wapikiya Home Owners Assoc.

HB 558 oppose

To: House Local Government Committee in care of Paula Darko, Chairperson

From: Jeff Stevens, Vice President, Wapikiya Home Owners Association

Date: Feb. 11, 1985

Re: H.B. 558 "An act making any freeholder eligible to approve or disapprove annexation of property by a municipality providing services."

The 400 member households of the Wapikiya Home Owners Association of Missoula wish to express their opposition to H.B. 558 "An act Making any Freeholder eligible to approve or disapprove annexation of property by a municipality providing services."

Though we are not opposed in theory or principle to the idea of allowing all property owners the right to protest annexation, in practice this bill would have a damaging effect on both resident and non resident property owners.

It would require petition organizers to contact out of neighborhood, out of town and out of state property owners for signatures in a 20 day protest period that is already too short under present requirements. If this bill is approved the protest period should be extended to 45 days to allow adequate time for getting signatures from non resident property owners.

The bill in its present form would increase the annexation powers of municipalities and actually work against the interests of non resident property owners who oppose annexation.

For these reasons, we request that you give H.B. 558 a do not pass recommendation in its present form.

Jeff Stevens

VISITORS' REGISTER

Local Government COMMITTEE

BILL NO. HB 558DATE Feb. 16, 1984SPONSOR Rep. Rehberg

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Kera Carlson	Malta Co. Truckee	Amended	
Shirley Carlson	Bonner	Amended	
John R. Wittenberg	Missoula	Amended	
Ellen Imboden	Missoula	✓	
Verna Imboden	Missoula	✓	
Vicki Amundson	Missoula	✓	
Sharon Amundson	Missoula	✓	
Alice Amundson	Helena	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CHAIRMAN--FULLER, DAVE
NORMAL SCHEDULE==> SITE: ROOM 405

DAYS: TU-TH-SAT

TIME: 12:30-2:30 P.M.

SECRETARY-GHILARDI, CHERYL

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0436	2/08	3/12	3/16	CONCUR AS AMENDED		3/16
LORY, EARL C.			REQUIRE CONSERVATION DISTRICT BOARD MEMBERS ON CITY-COUNTY PLANNING BOARD			
HB0457	2/14	3/23		CONCUR		3/23
NATHE, DENNIS G.			UNDERSHERIFF, FORMER DEPUTY, RETURN TO OTHER DUTIES WHEN SUCCESSOR NAMED			
HB0470	2/16	3/14		CONCUR		3/14
SPAETH, GARY			TOWN MAY SPEND PORTION OF GASOLINE TAX ON CAPITAL EQUIPMENT			
HB0483	2/21	3/14	3/16	CONCUR AS AMENDED		3/16
SPAETH, GARY			PROCEDURE TO DISSOLVE COUNTY WATER AND SEWER DISTRICT			
HB0484	2/21	3/14		CONCUR		3/14
PECK, RAY			METHOD TO CORRECT PROPERTY DESCRIPTION IN COUNTY WATER AND SEWER DISTRICT			
HB0496	2/22	3/26		CONCUR		3/26
DARKO, PAULA A.			AUTHORIZING FORMATION OF COUNTY PARK DISTRICTS			
HB0505	2/14	3/19		CONCUR		3/19
NATHE, DENNIS G.			ANNEXATION OF CONTIGUOUS LANDS - 2ND AND 3RD CLASS CITIES - CLARIFICATION			
HB0516	3/05	3/21	3/23	CONCUR		3/23
KEYSER, KERRY R.			PROHIBIT APPLYING MODIFIED SUBDIVISION RULES ONCE APPLICATION MADE			
HB0519	2/19	3/21	3/23	CONCUR		3/23
SALES, WALTER R.			PAYMENT OF PROPERTY TAXES REQUIRED BEFORE LAND MAY BE DIVIDED			
HB0558	2/22	3/19		CONCUR AS AMENDED		3/19
REHBERG, DENNIS R.			ANY FREEHOLDER ELIGIBLE TO VOTE ON ANNEXATION			
HB0564	2/22	3/16		CONCUR		3/16
MILLER, RON			ALLOWING CITIES AND TOWNS TO PAY BILLS BY CHECK			

March 19, 1985

Senator Dorothy Eck, District #40, said it is important for local boards of health to address this problem. She also said it is critical that the section regarding ground water be put back in.

OPPONENTS

Julie Hacker, representing the Missoula County Freeholders' Association, spoke in opposition to the bill. She is concerned with giving local boards of health more flexibility and authority. She is also concerned about what effect the bill would have on people who own animals.

Chairman Fuller opened the hearing for Committee questions.

Senator Pinsoneault asked why they took out the section on ground water in the first place. Alec Hansen said it had to do with the animal matter that Ms. Hacker mentioned.

Senator Fuller asked Mr. Carlson what the term "control and disposal" meant. Mr. Carlson said this means they could adopt rules for the design and installation of systems also, so that maintenance would then be easier to control.

Senator Fuller expressed his feeling that local health boards should not get into a situation of duplicating duties that the State already performs. Mr. Carlson said they diligently try not to duplicate efforts.

Senator Fuller asked if the State Health Department was in support of the bill. Mr. Carlson said they are.

The hearing was closed on HB 727.

CONSIDERATION OF HOUSE BILL 558: Representative Dennis Rehberg, District #88, is the sponsor of this bill. The bill was introduced to make any freeholder eligible to approve or disapprove annexation of property by a municipality providing services.

PROPOSERS

Lowry Risdahl, a Missoula resident, stated his support of the bill.

OPPONENTS

Jeff Stevens, Vice President of the Wapikiya Homeowners' Association in Missoula, spoke in opposition to the bill. He said the bill would require out of State property owners to respond within a twenty day time period. He feels the time period should be extended to forty-five days or thirty days at the least.

March 19, 1985

Chairman Fuller opened the hearing for Committee questions.

Senator Crippen asked why the time period was not extended in the House. Representative Rehberg said the House did not want to cause local governments a problem by extending the time period.

Senator Crippen asked if payment of SIDs are based on a percentage of land owned and, if so, would land owners' protest votes also be based on a majority interest. Senator Rehberg said their vote would be based on the same method they are assessed for SIDs.

The hearing was closed on HB 558.

CONSIDERATION OF HOUSE BILL 673: Representative Mike Kadas, District #55, is the sponsor of this bill. The bill was introduced to change the time when a local government may bring a suit challenging the validity and constitutionality of a petition and proposed action; to revise the provision relating to contents of the complaint in such a suit; changing the defendant from the petitioner to the county election administrator; providing for precedence of such a suit in the court; and tolling the time limit for collection of signatures.

PROPOSERS

Robert Anderson, representing Montana Common Cause, spoke in favor of the bill. He said the bill would shorten the time when action must be taken on a suit. The bill provides sufficient means for timely review of suits.

Mark Mackin, representing the Citizen Legislative Coalition, spoke in favor of the bill. He said court suits could delay people from signing petitions or hold up on them until they are dissolved because of time delays. He said naming petition signers as defendants has a chilling effect on the ability to gather petition signatures. He feels the election administrator is the proper defendant.

Jim Nugent, Missoula City Attorney, spoke in favor of the bill. His written testimony is attached as Exhibit C to these minutes.

OPPOSERS

John Larson, representing the Superintendent of Public Instruction, stated his opposition to the bill. He said he does agree with the idea of making the election administrator the defendant.

March 19, 1985

Gary Marbut, representing the Montana Council of Organizations, spoke in opposition to the bill. He does not agree with local government having the ability to stop the time period by challenging the validity of a petition before the signatures are collected. The bill has great potential for frustrating the usefulness of the petition process to the cities.

Pete Penner, a Missoula resident, spoke in opposition to the bill. His written testimony is attached as Exhibit D to these minutes.

Senator Ethel Harding, District #25, spoke in opposition to the bill. She said to have an appointed person put on the line for doing their job is absolutely appalling.

Arwood Stickney, a Missoula resident, spoke in opposition to the bill. He said government already has too heavy of a hand and this bill would only make it worse.

Chairman Fuller opened the hearing for Committee questions.

Senator Pinsoneault expressed his concern that the city would be suing itself in this bill. Representative Kadas responded that he tried to pattern the bill on the same procedures used at the State level.

The hearing was closed on HB 673.

ACTION TAKEN ON HOUSE BILL 384: Senator Mohar moved that HB 384 BE CONCURRED IN. The motion passed with Senators McCallum and Hirsch voting no. Senator Mohar will carry the bill.

ACTION TAKEN ON HOUSE BILL 558: Senator McCallum moved that the twenty days in the bill be replaced by forty-five days.

Senator Eck made a substitute motion that it be replaced with thirty days. The substitute motion failed with Senators Crippen, Hirsch, Harding, McCallum, Story, Pinsoneault, and Mohar voting no and Senators Eck, Regan, and Fuller voting yes.

Senator McCallum's original motion passed with Senator Mohar voting no.

Senator Eck moved the bill be amended to extend the time period in the title of the bill. The motion passed unanimously.

Senator Crippen moved that HB 558 as amended BE CONCURRED IN. The motion passed unanimously. Representative Rehberg will let us know who will carry the bill.

ROLL CALL

LOCAL GOVERNMENT

COMMITTEE

49th
~~XXXX~~ LEGISLATIVE SESSION -- 1985

Date 3-19-8

SENATE
 SEAT
 #

	NAME	PRESENT	ABSENT	EXCUSED
13	Senator Crippen, Bruce	✓		
18	Senator Eck, Dorothy	✓		
11	Senator Harding, Ethel	✓		
47	Senator Hirsch, Les	✓		
4	Senator McCallum, George	✓		
28	Senator Mohar, John (V.Chair)	✓		
44	Senator Pinsoneault, Dick	✓		
19	Senator Regan, Pat	✓		
21	Senator Story, Pete	✓		
43	Senator Fuller, Dave (Chair)	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 20

19 85

MR. PRESIDENT

LOCAL GOVERNMENT

We, your committee on.....

HOUSE BILL

having had under consideration..... No. 558

THIRD reading copy (BLUE)
(HALLIGAN WILL CARRY) color

ANY FREEHOLDER ELIGIBLE TO VOTE ON ANNEXATION

HOUSE BILL

Respectfully report as follows: That..... No. 558

be amended as follows:

1. Title, line 6.
Following: "SERVICES"
Insert: "AND INCREASING THE TIME ALLOWED FOR RECEIVING WRITTEN
EXPRESSIONS OF APPROVAL OR DISAPPROVAL"
2. Page 1, line 11.
Following: "period of"
Strike: "20"
Insert: "45"

AND AS AMENDED

BE CONCURRED IN

~~DO NOT PASS~~

~~DO NOT PASS~~

Senator Dave Fuller

Chairman.

LOCAL BAR!

9-17-86

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppos
Will Selser	LHC Co. Health	HB 727	✓	
Gene Thompson	Emergency Water & Sewer Dist. - Kellogg	HB 384	✓	
SARA S. WARBUT	Mt. Council of Organizations	558		✓
Larry S. Riedahl	Self	558	Amend	
Laura M. Riedahl	Self	558	Amend	
Kara Cahoon	Meta Co Freeholders	673		✓
Julia Rimmer	Self	673		✓
Bette Bergman	Self	673		✓
Robert O Le Roy	Self	673		✓
Ellen Imboden	Meta Co Freeholders	558 673		✓
Vernon Imboden	"	673		✓
Mike Kuhn	HD 55	673	✓	
MARK MACKIN	Citizen Legislative Coalition	673	✓	
JIM Nugent	CITY OF MISSOULA	HB-384	✓	
JIM Nugent	CITY OF MISSOULA	HB-673	✓	

(Please leave prepared statement with Secretary)

AMENDMENTS TO HOUSE BILL 558
(bill concurred in as amended by Senate Local Government
Committee March 19, 1985)

1. Title, line 6.
Following: "SERVICES"
Insert: "AND INCREASING THE TIME ALLOWED FOR RECEIVING WRITTEN
EXPRESSIONS OF APPROVAL OR DISAPPROVAL"
2. Page 1, line 11.
Following: "period of"
Strike: "20"
Insert: "45"